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Attorney Docket No.: 12671-016001

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By:

Diane Kizer

Printed:

Diane Kizer

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Horning, et al.

Serial No.: 10/763,401

Examiner: Hashmi, Zia R.

Filed: January 23, 2004

Art Unit: 2881

Title: CONTROLLING ION POPULATIONS IN A MASS ANALYZER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### TRANSMITTAL

Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement and Form 1449 ( 2 pgs);
- ☒ Copies of cited Non U.S. patent references (1 document);
- ☒ Statement Under 3.73(b)(1 pg.);
- ☒ Power of Attorney by Assignee (1 pg.); and
- ☒ Return Receipt Postcard

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-3267.

Dated: 06/08/2005

Respectfully submitted,

Thermo Electron Corporation  
ATTN: IP Department  
355 River Oaks Parkway  
San Jose, California 95134  
Tel: (408) 965-6000  
Fax: (408) 965-6010

By:

S. Upham

Sharon Upham  
Reg. No. 43,357



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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.97**

Sir:

The information listed on the attached PTO/SB/08 form may be material to the examination of the above-identified application. (Copies of the non-U.S. patent references are submitted herewith). The Examiner is respectfully requested to make this information of official record in the application.

This Information Disclosure Statement under 37 CFR §1.97 is filed before the mailing date of a first office action on the merits, and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

Dated: 06/08/2005

Respectfully submitted,

Thermo Electron Corporation  
ATTN: IP Department  
355 River Oaks Parkway  
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Tel: (408) 965-6000  
Fax: (408) 965-6010

By: S. Upham  
Sharon Upham  
Reg. No. 43,357

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet	1	of	1
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**Complete if Known**

Application Number	10/763,401
Filing Date	01/23/2004
First Named Inventor	Stevan Horning
Art Unit	2881
Examiner Name	Hashmi, Zia R.
Attorney Docket Number	12671-016001

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	B1	GB 2353632 A	02/28/2001	Bruker Daltonik GmbH		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional).<sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

***If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.***

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Stevan Horning, Robert Malek, John E. P. Syka, and Andreas WieghausApplication No./Patent No.: 10/763,401 Filed/Issue Date: January 23, 2004Entitled: CONTROLLING ION POPULATIONS IN A MASS ANALYZERThermo Finnigan LLC, aLimited Liability Company

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014851, Frame 0650, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

James W. Hurst  
Signature

James W. Hurst

Printed or Typed Name

Director, Intellectual Property

Title

6/2/05  
Date

(408) 965-6245

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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